

Appln. No. 10/016,074
Amdt. date September 5, 2003
Reply to Office action of March 6, 2003

REMARKS/ARGUMENTS

The Office action dated March 6, 2003 has been reviewed and the comments therein carefully considered. In the Office action, various questions and issues are raised concerning the description of the new variety. By the accompanying Substitute Specification, Applicant has made a *bona fide* attempt to address each of the issues and questions with information available.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are earnestly solicited. If any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

Vincent G. Gioia

Vincent G. Gioia

Reg. No. 19,959

626/795-9900

VGG/llb

Enclosures

Substitute Specification (Marked-up Copy)

Substitute Specification (Clean Copy)

Petition for Extension of Time

Check for \$465

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1 47500/VGG/C614

5 CLASSIFICATION

VARIETY DENOMINATION

10 CHERISE? '.

The present invention relates to a new and distinct variety of rose plant of the hybrid tea rose of the genus Rosaceae which was created by crossing as seed and pollen parents two (2) unknown rose varieties. The varietal denomination of the new variety is 'WHY NOT CHERISE?'.
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20 Among the novel characteristics possessed by this new
variety which distinguishes it from other varieties of which I
am aware, is its dark orange-red flowers.

25 foregoing and other distinguishing characteristics come true to
form and are established and transmitted through succeeding
propagations.

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BRIEF DESCRIPTION OF ILLUSTRATION

5 The accompanying illustration shows typical specimens of the
flowers and foliage of the new variety depicted in color as
nearly true as it is reasonably possible to make the same in a
color illustration of this character.

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DESCRIPTION OF THE NEW VARIETY

5 The following is a detailed description of 2-year budded plants of the new variety, with color terminology in accordance with *The Royal Horticultural Society Colour Chart* (RHSCC). The terminology used in color description herein refers to plate numbers in the aforementioned color chart. Phenotypic expression may vary with light availability, environmental and cultural
10 conditions.

The following observations are made of specimens grown outdoors in Wasco, California, during the month of November budded on 'DR. HUEY' understock.

PLANT

15 Form: Upright
Growth: Very vigorous
Size: Height about 5 feet; width about 3 feet
20 Foliage
Size: Terminal leaflet length
~~length~~ about 3 inches; width about 1 1/2 inches
Quantity: ~~About 5~~ Usually 5 leaflet
25 leaves, occasional 7 leaflet
leaves
Color
New foliage: Upper side near 146B; under
30 side near 182C
Mature foliage: Upper side near 147A; under
side near 147C
Shape: Elliptic
Texture Upper side smooth,
35 semi-glossy; under side matte

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Edge: Serrated

Serration: Serrate

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Petioles: Top surface color near 146B;
Under side near 147C

Stipules: Medium

Auricle: Small, slightly serrated

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Rachis: Smooth

~~Variegation:~~ None

~~Veination:~~ None

WOOD

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New shoots

Bark: Smooth

Wood: Near 46A

Old wood

Bark: Smooth

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Wood: Near 137C

Flowering stem: Length ~~between 4 1/2 to 6~~
~~inches~~ about 18 inches

Winter Hardiness: Completely winter hardy

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Resistance to Disease: Fair

~~Temperature range:~~ ~~Between 16° and 120° F~~

~~Internode spacing:~~ Usual

Preferred growing
conditions: Full sun

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Growth habit: Upright

Leaves per stem: About 7

Prickles/Thorns: Dorsal shape, 1/4 to 3/16
inch length, near 145A

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FLOWER/INFLORESCENCE

5	Blooming Habit:	Continuous
	Bud	About 1 1/2 inches <u>long,</u> <u>1 3/8 inches wide</u>
	Form:	High centered
	Color:	Before sepals divide color near 46B; when sepals first divide color near 47B; when petals begin to unfurl color near 47D
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	Sepals:	Regular, thin on end, thicker on tip <u>Usually 5 per bloom,</u> <u>length about 1 inch, width</u> <u>about 1/8 inch, color near</u> <u>143A, usually about 3</u> <u>extensions</u>
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20	Size:	Length in relation to bud about 1 3/8 inches
	Color	Topside near 158A; bottom near 147B
25	Peduncle	
	Length:	About 4 1/2 inches, <u>smooth</u>
	Strength:	Erect
	Color:	Near 139D
30	Flower	
	Size:	About 5 2/3 inches
	Borne:	Single
	Form:	Very high centered
	Petalage:	About 42
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Petaloids in center: Few; between 3 to 4, color
near 57A

5 Persistence: Good Petals do not drop

Fragrance: Medium

Lasting Quality: About 3 weeks on plant; about
7 days after cutting

10 Color

During first 2 days: Inner petals at flower center
topside near 46C; bottom near
46D; outer petals topside
near 47D, bottom near 48C

15 Base of petals

(Point of attachment): Near 2A

General tonality from a
distance: Near ~~4C~~ 57B

20 Color Change: Fades slightly; after 3 or
more days fades to near 49A

Petals

Texture: Thick

25 Shape: ~~Wider than long~~ Oblong, 1 3/4
inch long, 1 1/2 inch wide

Arrangement: Imbricated

Appearance: Velvety front ~~/ satiny back~~,
satiny back

30 REPRODUCTIVE ORGANS

Arrangement of stamens, Regularly arranged around
Filaments and Anthers: styles, usually about 110
anthers and filaments

35 Color: Filaments near 48A; Anthers
near 48C

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Pollen: No pollen

5 Styles: Medium length; color near 47C

Hips/Seed Vessels/Ovaries

Shape: Round

Size: Small; about 1/2 inch

Color: Near 140A

10 Seeds: No seeds

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I CLAIM:

5 A new and distinct Hybrid Tea Rose plant of the variety
substantially as shown and described.

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ABSTRACT

5 A new and distinct Hybrid Tea Rose plant variety with dark
orange-red flowers.

10 ~~VGG/vat~~ VGG/11b

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